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**HASBALA MOHD SARONG****v.****PP**

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FEDERAL COURT, PUTRAJAYA  
RAUS SHARIF PCA  
ZULKEFLI MAKINUDIN CJ (MALAYA)  
HASHIM YUSOFF FCJ  
ABDULL HAMID EMBONG FCJ

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JEFFREY TAN FCJ  
[CRIMINAL APPEAL NO: 05-87-05-2012(B)]  
26 JUNE 2013

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**CRIMINAL LAW:** *Dangerous Drugs Act 1952 - Section 39B(1)(a) - Conviction and sentence - Appeal against - Allegation of material discrepancies in evidence - Whether discrepancies satisfactorily explained - Whether discrepancies created reasonable doubt as to identity of evidence*

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**CRIMINAL PROCEDURE:** *Appeal - Appeal against conviction and sentence - Conviction for offence under s. 39B(1)(a) of Dangerous Drugs Act 1952 - Allegation of material discrepancies in evidence - Whether issue of discrepancies raised in lower courts - Whether discrepancies satisfactorily explained - Whether created reasonable doubt as to identity of evidence*

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**EVIDENCE:** *Exhibits - Identity of exhibits - Conviction for offence under s. 39B(1)(a) of Dangerous Drugs Act 1952 - Allegation of material discrepancies in identity of evidence - Whether discrepancies satisfactorily explained - Whether discrepancies created reasonable doubt as to identity of evidence - Whether there was break in chain of evidence*

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**EVIDENCE:** *Judicial notice - Gross weight of drugs exhibits - Drugs exhibits weighed lesser after three months - Whether environmental factors attributed to difference in weight of drugs exhibits - Difference in weighing process - Whether disparity in weight of drugs recorded inevitable*

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The appellant, at the time of his arrest, was carrying a green canvas bag ('P10') in which five slabs of cannabis wrapped in a transparent plastic were found. PW4 prepared the search list and made the necessary markings and dated the drugs exhibits before handing it over to PW6. PW6 made similar markings and weighed

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the five slabs of the drugs exhibits and recorded the weight as

4,860g. Subsequently, P10 and the drugs exhibits were sent to the chemist ('PW3'), who recorded the gross weight of 4,688.55g. Upon analysis, the drugs exhibits were found to be 4,607g of cannabis. The appellant was subsequently charged in the High Court for an offence of trafficking in dangerous drugs under s. 39B(1)(a) of the Dangerous Drugs Act 1952 ('DDA') and punishable under s. 39B(2) of the DDA. The appellant was convicted and sentenced to death. Upon appeal to the Court of Appeal, the conviction and sentence was unanimously affirmed. Hence, this appeal. The appellant submitted that there were material discrepancies in the condition of the drugs exhibits, in particular the manner in which the drugs exhibits were wrapped and the gross weight of the drugs exhibits as found by PW3 and that of PW6. It was the appellant's submission that the discrepancies were not satisfactorily explained by the prosecution, thus creating a reasonable doubt as to the identity of the drugs exhibits.

**Held (dismissing appeal; affirming conviction and sentence)  
Per Raus Sharif PCA delivering the judgment of the court:**

- (1) While it was true that PW3 had, in her report, stated that the five slabs of drugs exhibits that she received from SP6 were wrapped in aluminum foil reinforced by adhesive tape, she had also corrected herself while giving evidence in court by stating that the five slabs of drugs exhibits were wrapped with transparent plastic. She also applied to the court to have the chemist report amended by substituting the word aluminum foil with transparent plastic. The amendment was allowed without objection by the defence counsel. Hence, the identity of the drugs exhibits was never an issue before the High Court as well as the Court of Appeal. In the circumstances, the issue of discrepancies on the manner in which the five slabs of drugs exhibits were wrapped was devoid of merit. (paras 17 & 18)
- (2) PW4 and PW6 had clearly identified the drugs exhibits that were produced before the High Court. They had both clearly identified the markings that they had made on the exhibits that were produced before the High Court, including the dates and the signatures which they had placed on the five slabs of the drugs exhibits. PW3 had also identified the markings as found on the exhibits when she received them from PW6. Hence,

- A the contention that the drugs exhibits produced before the High Court might not be the same as the ones seized by PW4 from the appellant, was misconceived as there was no break in the chain of evidence that could have created a reasonable doubt as to the identity of the drugs exhibits. (para 20)
- B (3) The difference in the gross weight which was 171.45g less could be due to the fact that the drugs exhibits were weighed by PW3 nearly three months after they were weighed by PW6. The court took judicial notice that environmental factors
- C such as climate condition and humidity could have attributed to the difference in the weight of the impugned drugs exhibits. Given that there was an interval of nearly three months before the drugs exhibits were sent to PW3, the drugs exhibits, being cannabis, could have dried up a little and this could be
- D the reason for the lesser weight. (para 21)
- (4) The weighing process by the police was not the determining factor in the weight of the drugs, rather it was the weighing done by the chemist which determined the actual weight of the drugs and formed the basis of the charge. It is common
- E knowledge that the weighing process undertaken by the police after the seizure of the drugs was only for classification purposes in the determination of the charge and/or arrested person. More often than not, the disparity in the weight of
- F the drugs recorded was inevitable due to the different weighing methods preferred and the different weighing apparatus used by the police force and the chemist department. (para 21)
- (5) The difference in weight of the drugs exhibits by itself as found by PW6 and the chemist was not sufficient to create
- G reasonable doubt to the prosecution's case. There was no doubt that the drugs exhibits seized from the appellant and as examined by PW3 were the same drugs exhibits that the appellant was charged with. There was no break in the chain of evidence and the drugs exhibits were positively identified by
- H the prosecution witnesses. (para 25)

***Bahasa Malaysia Translation Of Headnotes***

- I Perayu, semasa ditangkap, sedang membawa sebuah beg kanvas berwarna hijau ('P10') yang mana di dalamnya telah ditemui lima ketulan kanabis yang dibungkus dengan plastik lutsinar. PW4 menyediakan senarai carian dan membuat catatan-catatan yang perlu dan meletakkan tarikh pada ekshibit-ekshibit dadah tersebut

sebelum menyerahkannya kepada PW6. PW6 membuat catatan-catatan yang serupa dan menimbang kelima-lima ketulan ekshibit-ekshibit dadah tersebut dan merekodkan beratnya sebagai 4,860g. Kemudian, P10 dan ekshibit-ekshibit dadah tersebut dihantar kepada ahli kimia ('PW3'), yang merekodkan berat kasarnya sebagai 4,688.55g. Selepas dianalisa, ekshibit-ekshibit dadah tersebut adalah 4,607g kanabis. Perayu dituduh di Mahkamah Tinggi bagi kesalahan pengedaran dadah berbahaya di bawah s. 39B(1)(a) Akta Dadah Berbahaya 1952 ('ADB') yang boleh dihukum di bawah s. 39B(2) ADB. Perayu disabitkan dan dijatuhkan hukuman mati. Atas rayuan ke Mahkamah Rayuan, sabitan dan hukuman tersebut disahkan secara sebulat suara. Maka, rayuan ini. Perayu menghujahkan bahawa terdapat percanggahan material terhadap ekshibit-ekshibit dadah tersebut, khususnya cara ekshibit-ekshibit dadah tersebut dibungkus dan berat kasar ekshibit-ekshibit dadah yang didapati oleh PW3 dan PW6. Perayu menghujahkan bahawa percanggahan-percanggahan tersebut tidak dijelaskan secara memuaskan oleh pihak pendakwaan, lantaran itu membangkitkan keraguan munasabah terhadap identiti ekshibit-ekshibit dadah tersebut.

**Diputuskan (menolak rayuan; mengesahkan sabitan dan hukuman)**

**Oleh Raus Sharif PMR menyampaikan penghakiman mahkamah:**

- (1) Walaupun benar bahawa PW3, dalam laporannya, telah menyatakan bahawa kelima-lima ketulan ekshibit-ekshibit dadah yang diterimanya daripada SP6 dibungkus dengan foil aluminium yang diketatkan lagi dengan pita pelekat, tetapi dia juga memperbetulkan dirinya semasa memberikan keterangan di mahkamah dengan menyatakan bahawa kelima-lima ketulan ekshibit-ekshibit dadah tersebut dibungkus dengan plastik lutsinar. Dia juga memohon kepada mahkamah untuk meminda laporan ahli kimia dengan menggantikan perkataan foil aluminium kepada plastik lutsinar. Pindaan tersebut dibenarkan tanpa bantahan oleh peguam pembelaan. Maka, identiti ekshibit-ekshibit dadah tidak pernah menjadi isu di Mahkamah Tinggi dan juga di Mahkamah Rayuan. Dalam keadaan tersebut, isu percanggahan berkaitan dengan cara ketulan-ketulan ekshibit-ekshibit dadah dibungkus adalah tidak bermerit.

- A (2) PW4 dan PW6 telah mengenalpasti dengan jelas ekshibit-ekshibit dadah yang dikemukakan di Mahkamah Tinggi. Kedua-dua mereka telah mengenalpasti dengan jelas catatan-catatan yang dibuat oleh mereka pada ekshibit-ekshibit yang dikemukakan di Mahkamah Tinggi, termasuk tarikh dan tandatangan yang mereka letakkan pada kelima-lima ketulan ekshibit-ekshibit dadah tersebut. PW3 juga telah mengenalpasti catatan-catatan yang didapati pada ekshibit-ekshibit tersebut apabila dia menerimanya daripada PW6. Maka, hujahan bahawa ekshibit-ekshibit dadah yang dikemukakan di Mahkamah Tinggi mungkin tidak sama dengan yang dirampas oleh PW4 daripada perayu, merupakan suatu salah tanggapan kerana tidak ada keputusan dalam rangkaian keterangan yang boleh membangkitkan keraguan munasabah berkaitan dengan ekshibit-ekshibit dadah tersebut.
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- D (3) Perbezaan dalam berat kasar yang kurang 171.45g mungkin disebabkan oleh fakta bahawa ekshibit-ekshibit dadah tersebut telah ditimbang oleh PW3 hampir tiga bulan selepas ia ditimbang oleh PW6. Mahkamah membuat pengiktirafan kehakiman bahawa faktor-faktor alam sekitar seperti keadaan iklim dan kelembapan boleh memberi kesan kepada berat ekshibit-ekshibit dadah yang dipersoalkan. Melihatkan pada jarak masa hampir tiga bulan sebelum ekshibit-ekshibit dadah tersebut dihantar kepada PW3, ekshibit-ekshibit dadah tersebut, yang adalah kanabis, mungkin telah kering sedikit dan berkemungkinan ini adalah sebab mengapa terdapat kekurangan pada beratnya.
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- G (4) Proses penimbangan oleh pihak polis bukan faktor penentu berat dadah tersebut, tetapi penimbangan oleh ahli kimia yang menentukan berat sebenar dadah dan membentuk asas pertuduhan. Adalah pengetahuan umum bahawa proses penimbangan yang dilakukan oleh pihak polis selepas rampasan dadah adalah hanya untuk tujuan pengklasifikasian dalam menentukan pertuduhan dan/atau orang yang ditangkap. Selalunya, perbezaan dalam berat dadah yang direkodkan tidak dapat dielakkan kerana cara penimbangan yang berbeza serta penggunaan alat penimbang yang berbeza oleh pasukan polis dan jabatan kimia.
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- (5) Perbezaan dalam berat ekshibit-ekshibit dadah itu sendiri seperti yang didapati oleh PW6 dan PW3 tidak cukup untuk membentuk keraguan munasabah terhadap kes pihak pendakwaan. Tiada keraguan bahawa ekshibit-ekshibit dadah yang dirampas daripada perayu dan yang dianalisa oleh PW3 adalah ekshibit-ekshibit dadah yang sama yang menjadi perkara pertuduhan terhadap perayu. Tidak ada pemutusan dalam rangkaian keterangan dan ekshibit-ekshibit dadah telah dikenalpasti secara positif oleh saksi-saksi pendakwaan.

**Case(s) referred to:**

*Loh Kah Loon v. PP* [2011] 5 CLJ 345 FC (*foli*)

*Tan Yew Choy v. PP* [2009] 4 CLJ 245 FC (*refd*)

*Yeong Kia Heng v. PP* [1992] 1 CLJ 364; [1992] 1 CLJ (Rep) 372 SC (*refd*)

*Zaifull Muhammad v. PP & Another Appeal* [2013] 2 CLJ 383 (*dist*)

**Legislation referred to:**

Dangerous Drugs Act 1952, ss. 2, 37(da)(vi), 39B(1)(a), (2)

*For the appellant - Gooi Soon Seng; M/s Gooi & Azura*

*For the respondent - Nurulhuda Nur'aini Mohd Nor; DPP*

[Appeal from Court of Appeal; Criminal Appeal No: B-05-235-2010]

*Reported by S Barathi*

**JUDGMENT**

**Raus Sharif PCA:**

**Introduction**

[1] The appellant was charged in the High Court for an offence of trafficking in dangerous drugs, to wit 4607g of cannabis, an offence under s. 39B(1)(a) of the Dangerous Drugs Act 1952 and punishable under s. 39B(2) of the same Act ('the DDA').

[2] On 31 May 2010, the High Court found the appellant guilty and sentenced him to death. On 8 May 2012, the Court of Appeal unanimously affirmed the conviction and sentence.

[3] We heard the appeal on 25 March 2013. After hearing the parties, we dismissed the appeal. We now give our reasons.

**A The Facts**

**B** [4] The facts relevant to the issues raised in this appeal are these. The appellant was arrested on 27 February 2004 at about 10pm at the bus station in front of the Proton car manufacturing company at Seksyen 26, in Petaling District of Selangor. At the time of his arrest, he was carrying a green DIADORA canvas bag ("P10"). Inside P10, Inspector Musafar bin Mahmud ("PW4") found five slabs of cannabis wrapped in transparent plastic (exhs. P12, P14, P16, P18 and P20). A search list ("P22") was prepared and issued by PW4.

**C** [5] PW4 marked the bag P10 with "A" and affixed a date "27 February 2004" on it. The five slabs of drug exhibits were each marked as "A1 to A5" respectively. PW4 also placed his signature and affixed the date "27 February 2004" on each of the five slabs of drug exhibits.

**D** [6] On 28 February 2004, at about 1am PW4 handed the exhibits to the investigating officer of this case, Chief Inspector Idris bin Seth ("PW6"). The handing over was documented in P23. PW6 then placed his own markings similar to PW4 on all the exhibits with a date "28 February 2004". He also placed his signature on all the exhibits. PW6 then weighed the five slabs of the drugs exhibits. The weight recorded was 4860g. He then kept the exhibits in a locked cabinet to which he held the key.

**E** [7] On the next day, PW6 instructed the police photographer Atan Ak Desa ("PW1") to take photographs of the exhibits. After the photographs were taken, the exhibits were sent to Inspector Faizal of the forensic unit. The exhibits sent were documented in P24. The same exhibits were received by PW6 from Inspector Rahayu Ghani at 9.17am on 8 June 2004. The handing over was documented in P25. After the receipt of the exhibits, they were kept by PW6 in a locked cabinet to which he kept the key.

**F** [8] On 9 June 2004, PW6 sent the bag P10 and drug exhibits to the chemist ("SP3"). Before dispatch, the exhibits were packed and sealed in a box marked "A". On the box, PW6 placed the police report No: Batu 3 Report No: 3038-04 as well as his name.

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[9] PW3 confirmed receiving the sealed box (“exh. P9”) marked as “A” from PW6 on 9 June 2004 at 10.07am. PW3 issued a receipt (“P7”) bearing makmal (PJ) FOR 5021-04-0 and a sticker with the same lab number placed on the box marked “A”. PW3 inspected the box and found it to contain a DIADORA canvass bag marked “A” with five slabs of dried leaves which were marked as A1 to A5 respectively. In her chemist report (“P8”) she stated that the five slabs of drug exhibits that were received from SP6 was wrapped in aluminum foil reinforced by adhesive tape. But while giving evidence in court, she corrected it by stating that the five drug exhibits were wrapped with transparent plastic. She then applied to the court to have the chemist report P8 amended by substituting the word aluminum foil with transparent plastic.

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[10] PW3 weighed the five slabs of the drug exhibits separately. The total gross weight recorded was 4688.55g. Upon analysis of the exhibits, PW3 found that the drug exhibits were cannabis as defined under s. 2 of the DDA. The net weight was 4607g. After PW3 had completed her analysis, the loose plant materials were placed in five separate plastic packets. These five packets together with the original wrappers and the bag were placed into the original box marked “A” and sealed with the department’s seal. On 9 September 2004 at about 9am, PW3 handed to PW6 the box marked “A” containing the exhibits together with the chemist report (P8).

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[11] PW6 thereafter had the exhibits registered and kept safe at the store exhibit at the narcotics department at the Selangor Police Headquarters. The exhibits were kept there until they were produced for trial in the High Court.

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### Issues And Findings

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[12] Before us, learned counsel for the appellant submitted that there were material discrepancies on the condition of the drug exhibits, in particular with regard to the manner in which the drugs exhibits were wrapped and the gross-weight of the drugs exhibits as found by the Chemist (“PW3”) and that of the Investigating Officer (“PW6”).

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[13] According to learned counsel, PW4 and PW6 testified that the five slabs of the drug exhibits were wrapped in transparent plastic. However, PW3 in her chemist report stated that the five slabs of the drug exhibits she received from PW6 were wrapped in aluminum foil reinforced by adhesive tape. With regard to the

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- A gross-weight of the drugs, learned counsel pointed out that PW6 testified that the gross-weight of the drug exhibits was 4860g but PW3 in her evidence stated that the gross-weight of the drug exhibits was 4688.55g. There was a difference of 171.45g between the gross-weight of the drug exhibits as found by PW3 and PW6.

[14] It was submitted by learned counsel that discrepancies as illustrated above were not satisfactorily explained by the prosecution and this had created a reasonable doubt as to the identity of the drug exhibits. On this ground alone, learned counsel urged this court to acquit and discharge the appellant. In support, learned counsel relied heavily on the recent decision of this court in *Zaifull Muhammad v. PP & Another Appeal* [2013] 2 CLJ 383, where it was held:

- D ... it is incumbent on the prosecution to offer some explanation for the discrepancies. With the discrepancies left unexplained, this created a reasonable doubt as to the identity of the drug exhibits. In the circumstances, the defence should not have been called at the close of the prosecution's case.

E [15] In *Zaifull Muhammad*, there were two material discrepancies, one as to the number of "ketulan" and the other as to the gross-weight of the cannabis. In the original charge, it was stated the appellant was in custody of and control of six "ketulan" of cannabis, and gross weight was 880g. But the evidence led by the prosecution was in relation to two "ketulan". The police witnesses PW4 and PW8 consistently spoke of only two "ketulan" of cannabis and no one ever mentioned six "ketulan" as stated in the original charge. The chemist, who received the drug exhibits from PW8 also spoke of two "ketulan" as opposed to six "ketulan". He found the gross-weight of the two "ketulan" of cannabis to be 829.49g.

H [16] Thus, in *Zaifull Muhammad* the discrepancies were not only on the gross weight of the drugs exhibits but also on the number of slabs. The discrepancies were never explained by the prosecution. And it was under those circumstances that this court held that the unexplained discrepancies had created a reasonable doubt as to the identity of the drug exhibits and the defence should have not been called at the close of the prosecution's case.

[17] The facts and circumstances in the present case is distinguishable from *Zaifull Muhammad*. In the present case, while it is true that the chemist had in the chemist report stated that the five slabs of drug exhibits that she received from SP6 were wrapped in aluminum foil reinforced by adhesive tape but she corrected it while giving evidence in court by stating that the five slabs of drug exhibits were wrapped with transparent plastic. She also applied to the court to have the chemist report P8 amended by substituting the word aluminum foil with transparent plastic. The amendment was allowed with no objection by the defence counsel. In this regard it is pertinent to note that the identity of the drug exhibits was never an issue before the High Court as well as the Court of Appeal. There was no challenge as to the identity of the drug exhibits by the defence.

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[18] We are of the view that, with the amendment as well as the correction made by SP3; and, in the absence of any challenge by way of cross-examination on the identity of the drug exhibits, the issue of discrepancies on the manner in which the five slabs of drug exhibits were wrapped is devoid of any merit.

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[19] Thus, the only issue left is whether the unexplained difference between the gross-weight of the drug exhibits as found by PW6 and that of PW3 is sufficient to create a reasonable doubt to the prosecution's case. On the facts and circumstances of this case, we answer the issue raised in the negative. In this case PW4, and PW6 had clearly identified the drug exhibits that were produced before the High Court. Both PW4 as well as PW6 had identified the markings that they had made on the exhibits including the date and the signatures they placed on the five slabs of the drug exhibits. PW3 too had identified the markings as found on the exhibits when she received it from PW6.

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[20] Having regard to the evidence of PW4, PW6 and PW3, learned counsel's contention that the drug exhibits produced before the High Court might not be the same as the one seized by PW4 from the appellant is, in our view, misconceived. On the evidence adduced, we are not in doubt that the drug exhibits seized and handed to PW6 and examined by PW3 were the same drug exhibits that were produced before the High Court upon which the appellant was charged. There was no break in the chain of evidence that could have created a reasonable doubt as to the identity of the drug exhibits.

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- A [21] It is not in dispute in this case that PW6 found the gross weight of the drug exhibits to be 4860g while PW3 found it to be 4688.15g. Thus, there was a difference of 171.45g. An explanation by the prosecution would have been desirable, but on the facts and circumstances of this case we have no doubt that the drug exhibits seized from the appellant and as examined by the chemist were the same drug exhibits that the appellant was charged with. The difference in the gross-weight which is 171.45g less could be due to the fact that the drug exhibits were weighed by PW3 nearly three months after the drug exhibits were weighed by PW6. We take judicial notice that environmental factors such as climate condition and humidity can attribute to the difference in weight of the impugned drug exhibits. Given that there was an interval of nearly three months before the drug exhibits were sent to PW3, we are driven to the conclusion that the drug exhibits being cannabis could have dried up a little and this could be the reason for the lesser weight. At this juncture, we might hasten to also add that the weighing process by the police is not the determining factor in the weight of the drugs, rather it is the weighing done by the chemist which determines the actual weight of the drugs and forms the basis of the charge. It is common knowledge that the weighing process undertaken by the police after the seizure of the drugs is only for classification purposes in the determination of the charge that will be most likely to be preferred against the accused and/or arrested person. More often than not the disparity in weight of the drugs recorded is inevitable due to difference weighing methods preferred and the difference weighing apparatus used by the police force and the chemist department.
- G [22] In this regard, we are minded of the fact that decided cases had shown that the difference in weight of the drug exhibits between the police and the chemist when left unexplained could result in creating a reasonable doubt to the prosecution's case. This is however dependent on the facts of each case. In *Yeong Kia Heng v. PP* [1992] 1 CLJ 364; [1992] 1 CLJ (Rep) 372 for instance the discrepancy in the weight of drug exhibits between the police and the chemist was an issue before the then Supreme Court. The investigating officer in the abovementioned case testified that the weight of the heroin was 113g whilst the chemist gave evidence that it was 102.85g. But that was not the only
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issue. The Supreme Court found that there were discrepancies between the evidence given by the police and the evidence given by the chemist with regard to the odour and description of the heroine tendered in court. It was on those grounds the Supreme Court held that the appellant ought not to have been called to enter his defence.

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[23] This court in *Tan Yew Choy v. PP* [2009] 4 CLJ 245, held that the discrepancies in the weight as found by the police and the chemist was fatal because the total weight “by the time the cannabis reached the hands of the chemist” had increased in weight by 19.65g. But another flaw in the case was that, the investigating officer did not explain the movement of the cannabis from the time he received and weighed them on 25 February 2005 until he placed them in a box on 27 February and sent it to the chemist on 28 February. In fact, in *Tan Yew Choy*, the pertinent issue was more on the failure of the trial judge in not resolving the doubt as to the weight of the cannabis as the weight of the cannabis involved was within the borderline amount that can trigger the statutory presumption of trafficking under s. 37(da)(vi) of the DDA.

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[24] However, in *Loh Kah Loon v. PP* [2011] 5 CLJ 345, this court upheld the decision of the courts below even though there existed a discrepancy in the weight of the drug exhibits as found by the police and the chemist. In that case the High Court as well as the Court of Appeal found it as a fact that there was no doubt in the identity of the drug exhibits because the evidence before the court showed there was no break in the chain of evidence. The movement of exhibits was clearly explained, and the markings on the drug exhibits were positively identified by the witnesses. The courts below were satisfied that the drug exhibits that were seized from the appellant were the same exhibits produced in the High Court.

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[25] Similarly on the facts and circumstances of the present case, we are of the view that the difference in weight of the drug exhibits by itself as found by the PW6 and the PW3 is not sufficient to create a reasonable doubt to the prosecution’s case. We have no doubt that the drug exhibits seized from the appellant and as examined by the chemist were the same drug exhibits that the appellant was charged with. There was no break in the chain

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A of evidence and the drug exhibits were positively identified by the prosecution witnesses in particular PW4, PW6 and PW3. In fact, the identity of the drug exhibits was never challenged before the High Court. It had never been raised as an issue before the High Court as well as the Court of Appeal.

B [26] On these grounds we dismissed the appeal and affirmed the conviction and sentence passed against the appellant.

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